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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,689	06/25/2003	Hirokazu Matsuura	26C-021	1370

23400 7590 04/21/2006

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER
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DUNN, DAVID R

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,689	<b>Applicant(s)</b> MATSUURA ET AL.	
	<b>Examiner</b> David Dunn	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 4, 5 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 28, 2006 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 5, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the airbag cover" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Note also that claim 5, which depends from claim 4, recites "an airbag cover".

Claim 8 is indefinite as it depends from claim 1, however claim 1 has been canceled. Therefore, it is unclear what the limitations of claim 8 are.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 4 and 8 (if dependent from claim 4) are rejected under 35 U.S.C. 102(b) as being anticipated by Kitagawa et al. (GB 2 263 671 A).

Kitagawa et al. disclose a knee protecting airbag device arranged below a steering column, comprising: an airbag (26), a case (24, 28) attached to the vehicle for housing the folded airbag, wherein the case has a recessed section at a front side thereof (see Figure 2), the case being arranged directly below the steering column, the case further being arranged apart from the steering column (see Figure 2), the recessed section being arranged substantially at a lateral center of the case to indent a portion of the case near an upper and front-side corner of the case (upper side is indented, along with the lower side); an inflator (25); and an interior decoration member (20) for the vehicle provided separate from the airbag cover wherein the case is arranged at a front side of the vehicle with respect to the interior decoration member (the steering column cover 20 extends rearward from the airbag; see Figure 3). Additionally, it is noted that the steering wheel (12) inherently (i.e., the cover of the steering wheel) has an interior decoration member, and the steering wheel is rearward of the airbag case.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitagawa et al. (GB 2 263 671 A) in view of Warnez et al. (US 5,904,367).

Kitagawa et al. is discussed above and fails to show the door of the airbag covering a gap between the interior decoration member and the airbag.

Warnez et al. discloses a knee protection airbag device arranged in front of the knees of a seat occupant (see Figures 1 and 6), comprising: a case (18); an airbag cover includes an interior side portion (40) with a door portion (20) adapted to open upwardly (see Figure 6); an interior decoration member (10) separate from the airbag cover, wherein the airbag pushes open the door portion such that a gap formed between the interior decoration member and an upper side of the airbag cover along the front-rear direction is covered when the airbag is deployed (see Figure 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kitagawa et al. with the teachings of Warnez et al. to provide an improved airbag cover to better cover the interior decoration member of the steering column and to better guide the inflation of the airbag.

***Allowable Subject Matter***

8. Claims 6 and 7 are allowed.

***Response to Arguments***

9. Applicant's arguments filed February 28, 2006 have been fully considered but they are not persuasive.

Applicant argues that the case of Kitagawa is not at a front side of the interior decoration member. Applicant bases this argument on the instrument panel 10 being the interior decoration member. However, as noted in the rejection above, the column cover 20 and the steering wheel 12 (i.e., the cover of the steering wheel) can be considered to be an "interior decoration member." The case is forward of the column cover 20 as the column cover extends further rearward than the case as seen in Figure 3. The steering wheel also extends further rearward.

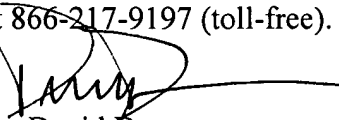
***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Dunn  
Primary Examiner  
Art Unit 3616